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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,625	11/07/2001	Yeshik Shin	59472-8818US	1053

25096 7590 03/06/2007  
PERKINS COIE LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE, WA 98111-1247

EXAMINER
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NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/045,625		SHIN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Steven HD Nguyen		2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

The applicant should insert the application number into the blanks of the Para [001].

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Burnett (USP5703875).

Regarding claim 9, Burnet discloses a method for identifying packet types of packets of symbols comprising receiving a synchronization symbol indicating a packet type (Col. 2, lines 40-49), each packet type having a different synchronization symbol (Col. 2, lines 40-49); receiving a packet of symbols (Col. 2, lines 40-49); and indicating that the received packet of symbols has the packet type of the received synchronization symbol (Col. 2, lines 40-49, Fig 2, Ref 12 and 13, the state control word is used to stored the data or control packet into correct buffer).

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Regarding claim 10, Burnett discloses the symbols of the packet include in-band symbols (Fig 2, ref 12) and the synchronization symbols are out-of-band symbols (Col. 2, lines 40-49, control words for control or data type message).

Regarding claim 11, Burnet discloses the in-band symbols are transition optimized (Fig 2, ref 12) and the out-of-band synchronization symbols are not transition optimized (Col. 2, lines 40-49).

Regarding claim 12, Burnet discloses the synchronization symbol is transmitted before transmitting the symbols of the packet (Col. 2, lines 40-49).

Regarding claim 13, Burnet discloses packet types include a data packet (Fig 2, Ref 13).

Regarding claim 14, Burnet discloses packet types include a control packet (Fig 2, Ref 12).

Regarding claim 15, Burnet discloses the symbols are received from a switch (Fig 1).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-8 and 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnett (USP 5703875) in view of Deb (USP 6172990).

Regarding claims 1 and 16, Burnet discloses a method for transmitting packet types of packets comprising the steps of receiving a packet having symbols, transmitting a synchronization symbol that corresponds to the identified packet type (Col. 2, lines 40-49), wherein the transmitted synchronization symbol provides synchronization information and wherein each packet type has a different synchronization symbol; and transmitting the symbols of the received packet (Col. 2, lines 40-49, each type of message is associated with a different state control word and the state control word is transmitted before transmitting its associated message). However, Burnett does not fully disclose identifying a packet type of the packet based on the received packet. In the same field of endeavor, Deb discloses a method for receiving a packet and identifying the type of received packet and transmitting appended index that associated with the packet before transmitting packet (Col. 16, lines 24-58, col. 17, lines 22-37 and Fig 8, col. 21, line 30 to col. 22, line 19).

Since, a method for identifying a type of packet is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to apply a method for identifying a type of packet as disclosed by Deb into Burnett's system and method. The motivation would have been to reduce delay time when transmitting a packet from source to destination.

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Regarding claims 2 and 17, Burnett discloses the symbols of the packet include in-band symbols (Fig 2, ref 12) and the synchronization symbols are out-of-band symbols (Col. 2, lines 40-49, control words for control or data type message).

Regarding claims 3 and 18, Burnet discloses the in-band symbols are transition optimized (Fig 2, ref 12) and the out-of-band synchronization symbols are not transition optimized (Col. 2, lines 40-49).

Regarding claims 4 and 19, Burnet discloses the synchronization symbol is transmitted before transmitting the symbols of the packet (Col. 2, lines 40-49).

Regarding claims 5 and 20, Deb discloses the packet has a header with a field that indicates packet type (Fig 1b, Ref 36) and the identifying of the packet type includes checking the field of the header that indicates packet type (Col. 16, lines 24-58, col. 17, lines 22-37 and Fig 8, col. 21, line 30 to col. 22, line 19).

Regarding claims 6 and 21, Burnet discloses the packet types include a data packet (Fig 2, Ref 13).

Regarding claims 7 and 22, Burnet discloses the packet types include a control packet (Fig 2, Ref 12).

Regarding claims 8 and 23, Burnett discloses the symbols are transmitted to a switch network (Fig 1).

Regarding claim 24, Deb discloses the communications device is part of a storage area network (Fig 10, Ref 1010 is hard drive).

***Response to Arguments***

7. Applicant's arguments filed 12/7/06 have been fully considered but they are not persuasive.

In response to page 6, the applicant states that Burnett fails to disclose synchronization symbols that correspond to packet types. In Reply, the examiner respectfully disagrees with the applicant because Burnett disclose a method and system for allowing a sender to determine the message type of the received messages which include control and data message based on the header. The sender informs the receiver which type of message being transmitted by the sender by using control words "synchronization symbols" which corresponds to message "packet" types (See col. 2, lines 40 to col. 3, lines 35, state control word used to synchronize the state of transmitting/receiving between the sender and receiver in order to store the information at the receiver).

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven HD Nguyen  
Primary Examiner  
Art Unit 2616